

PCT

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY  
(PCT Rule 43bis.1)

To:

see form PCT/ISA/220

Date of mailing  
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference  
see form PCT/ISA/220

**FOR FURTHER ACTION**  
See paragraph 2 below

International application No.  
PCT/US2004/023018

International filing date (day/month/year)  
16.07.2004

Priority date (day/month/year)  
29.07.2003

International Patent Classification (IPC) or both national classification and IPC  
B23Q1/00, B23Q11/00, F16K37/00

Applicant  
THE BOEING COMPANY

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

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**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/US2004/023018

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**Box No. I Basis of the opinion**

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1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
  - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material:
    - ☐ a sequence listing
    - ☐ table(s) related to the sequence listing
  - b. format of material:
    - ☐ in written format
    - ☐ in computer readable form
  - c. time of filing/furnishing:
    - ☐ contained in the international application as filed.
    - ☐ filed together with the international application in computer readable form.
    - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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**Box No. II Priority**

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1. ☒ The following document has not been furnished:

- ☒ copy of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(a)).
- ☐ translation of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43bis.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.
3. Additional observations, if necessary:

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**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

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1. Statement

Novelty (N)	Yes: Claims	1-40
	No: Claims	
Inventive step (IS)	Yes: Claims	
	No: Claims	1-40
Industrial applicability (IA)	Yes: Claims	1-40
	No: Claims	

2. Citations and explanations

**see separate sheet**

**Re Item V.**

- 1 The following documents are referred to in this communication:
- D1 : US 6 050 296 A (KEMMLER LOTHAR ET AL) 18 April 2000 (2000-04-18)
  - D2 : US 5 856 615 A (EASTER BASIL O) 5 January 1999 (1999-01-05)
  - D3 : US 6 105 595 A (JENSEN SAM C) 22 August 2000 (2000-08-22)
  - D4 : EP 0 758 568 A (KITAMURA MACHINERY CO LTD) 19 February 1997  
(1997-02-19)
  - D5 : US 4 587 836 A (HEWLETT KELVIN J R) 13 May 1986 (1986-05-13)
  - D6 : GB 1 315 446 A (ATOMIC ENERGY AUTHORITY UK) 2 May 1973 (1973-05-02)

2 INDEPENDENT CLAIMS 1, 7 and 24

The present application does not meet the criteria of Article 33(1) PCT, because the subject matter of claims 1, 7 and 24 does not involve an inventive step in the sense of Article 33(3)PCT.

Documents D1 and D2 disclose valve testing method and apparatus from which the subject-matter of the independent claims (claims 1,7 and 24) differ in that the valve is incorporated in a fluid inducer.

Since such fluid inducers are generally and in particular known from D3 and D4, and since there is no surprising effect involved in the testing of a valve of a fluid inducer, it seems to be obvious for the skilled man to test a valve known from D3 or D4 with a method or an apparatus known from D1 or D2.

3 DEPENDENT CLAIMS 2-6, 8-23, 25-40

In view of the D1 to D6, the dependent claims do not appear to contain any additional features which, in combination with the features of any claim to which they refer, involve an inventive step because they seem to be merely one of several possibilities from which the skilled man would select, in accordance with circumstances, without the exercise of inventive skill in order to solve the problem posed.